



Docket No.: 2257-0207P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
T. WAKABAYASHI

Application No.: 09/499,369

Confirmation No.: 1167

Filed: February 7, 2000

Art Unit: 2622

For: DISPLAY APPARATUS PERIODICALLY
MODULATING IMAGE-SIGNAL
CHARACTERISTICS

Examiner: TRAN, Trang U.

REQUEST FOR A PRE-APPEAL BRIEF CONFERENCE

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

August 21, 2006

Sir:

Applicants respectfully request review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed concurrently with a Notice of Appeal.

The review is being requested for the reasons set forth in the attached sheets.

ARGUMENTS

Applicants respectfully submit that the Examiner has made the following clear errors:

- (1) The Examiner is improperly interpreting and applying the prior art in rejecting claims 12-15 under 35 U.S.C. §102(b) in view of Nishino Kenji (JP 06-121195) and claims 1-6 under 35 U.S.C. §103(a) in view of Murayama, et al (U.S. 6,346,936) and Nishino Kenji.
- (2) The Examiner misunderstand the claimed limitation “in a periodic manner” and therefore is incorrectly applying the teachings of Nishino Kenji as teaching this feature of independent claims 1 and 12.

Nishino Kenji's Teachings are Incorrectly Interpreted

The Examiner alleges that Nishino Kenji teaches the claimed features of “a control circuit receiving an image signal from the image signal processing circuit and varying a frequency characteristic of the image signal in a periodic manner” as recited in claim 1 and “periodically varying a frequency characteristic of the image signal by acting directly on the image signal,” as recited in claim 12. In each of these claims it is the frequency characteristic of the signal that is varied. Thus, a characteristic must be varied that would affect the frequency of the signal. In Nishino Kenji, the display position of the color signal to each of the colored cathode ray tubes is slightly shifted either right, left, up or down. The Examiner alleges that Nishino Kenji’s “shifting” of the signal in the cathode ray tube to correct moiré issues corresponds to a frequency characteristic change. Applicants submit that the shifting of a signal does little more than change the position of the signal on the time axis. The frequency is still the same although the signal has been shifted. Thus, a frequency characteristic has not been varied. In viewing the claims with

respect to the specification it can be seen that the frequency characteristics involve features related to affecting the frequency of the signal, not a mere shifting of the signal.

The Examiner Misunderstands the Term “Periodic Manner” Recited in the Claims

As recited in claims 1 and 12, the frequency characteristic of the image signal is varied in a periodic manner. As can be understood by reference to the specification, the variation of the frequency characteristic of the image signal is done periodically, meaning it is varied every so often and not constantly. The periodic variations help reduce unintended changes to the signals or additions to the signals and thus aide visual viewing of the signal on a cathode ray tube or display. In the Examiners arguments on page 1 of the Office Action dated March 23, 2006, the Examiner states that “Nishino Kenji does vary the frequency characteristic of the image signal in a periodic manner because the frequency of the image signal of the color image signal (the color video signal supplied to a color cathode-ray tube is slightly shifted by right and left for every line) is shifted with respect to time in a periodic manner (for every line).” The Examiner states that this is done for every line and the shifting occurs for the entire signal at the same time. This must be done this way in Nishino Kenji’s system otherwise the image would be distorted on the display if parts of the image signal were shifted while others were not. The fact that this shift occurs for every line does not suggest or teach “a periodic manner” as claimed by applicants. Nowhere does Nishino Kenji teach or suggest periodically applying this shifting. Nishino Kenji merely teaches performing a shift for every line (the entire image). Thus, Nishino Kenji does not teach or suggest this feature of applicants’ claims.

For at least the above noted reason, applicants submit that the Examiner is inaccurately interpreting the reference and has failed to provide a teaching of varying the frequency of the

image signal in applying his rejections. Therefore all the claimed limitation are not taught by the Nishino Kenji or it's combination with Murayama.

Conclusion

In view of the foregoing, Applicant respectfully submits that the application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Chad Billings (Reg. No. 48,917) at (703) 205-8001 **to schedule a Personal Interview.**

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: August 21, 2006

Respectfully submitted,

By _____
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